

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
EDWARD B. ELLIS,	)	)
a/k/a ROCCO ELLIS,	)	
Petitioner	)	
	)	CIVIL ACTION
v.	)	NO. 97-30085-REK
	)	
UNITED STATES OF AMERICA,	)	
Respondent	)	
_____	)	

**Memorandum and Order**  
May 12, 2005

Filed in Boston and presented to me as a Senior Judge sitting in Boston is a document, among others, which the Clerk treated as the filing of a new case in Boston, drawn to me as Civil Action No. 05-10910-REK.

The case formerly pending before me as Civil Action No. 97-30085-REK was closed in Boston by mandate of the Court of Appeals and transferred back to Springfield, where the related criminal proceedings were filed.

I conclude that the Clerk erroneously filed these papers as a new case. Instead, those papers should have been filed as a motion in the earlier case, Civil Action No. 97-30085-REK.

Accordingly, I order the Clerk to file those papers as a motion in Civil Action No. 97-30085-REK, and I order dismissal of the newly-filed Civil Action No. 05-10910-REK. I further direct the Clerk to file a copy of this Memorandum and Order in both cases.

I conclude that I do not have authority to reopen the closed Boston proceeding and do not have authority to adjudicate newly filed motions, seeking an adjudication in this session of the United States District Court for the District of Massachusetts.

Accordingly, these newly filed papers are dismissed for lack of authority in this court to engage in further adjudication in this matter.

### **ORDER**

(1) The Clerk is ordered to file the papers filed in Civil Action No. 05-10910-REK as a motion in Civil Action No. 97-30085-REK.

(2) Civil Action No. 05-10910-REK is DISMISSED.

(3) The Clerk is directed to file a copy of this Memorandum and Order in Civil Action No. 97-30085-REK and Civil Action No. 05-10910-REK.

(4) These papers, now filed in Civil Action No. 97-30085-REK, are DISMISSED for lack of authority in this court to engage in further adjudication in this matter.

*So ordered.*

\_\_\_\_\_/s/Robert E. Keeton\_\_\_\_\_

Robert E. Keeton  
Senior United States District Judge